

IN THE UNITED STATES DISTRICT COURT
1FOR THE DISTRICT OF NEBRASKA

SEAN JOHNSTON,)	
)	
Plaintiff,)	4:06CV3040
)	
v.)	
)	
NEBRASKA DEPARTMENT OF)	ORDER
CORRECTIONAL SERVICES,)	
HAROLD W. CLARKE, ROBERT P.)	
HOUSTON, MICHAEL L. KENNEY,)	
RICHARD D. CRUICKSHANK, MARIO)	
PEART, RANDY CROSBY, CALVIN)	
HAYWOOD, JOHN CASEBOLT, and)	
RANDY T. KOHL,)	
)	
Defendants.)	
)	

This matter is before the court on plaintiff's second motion to reconsider or "reopen the case due to simultaneous activity." Filing No. 73. On November 19, 2007, this court entered a Memorandum and Order finding in favor of the defendants, Filing No. 66, and entered a Judgment dismissing the case, Filing No. 67. Plaintiff then asked this court to reconsider its decision. Filing No. 68. The court denied the motion to reconsider. Filing No. 72. The plaintiff now asks the court to "reopen" the case, as he has a new doctor's report. The court has reviewed this second request to reconsider and has reviewed the medical letter supplied from the Nebraska Spine Center. Filing No. 73, Attach. 1. The court finds this proposed evidence adds nothing to its finding that there is no evidence of deliberate indifference in this case. Accordingly, the court will deny the motion to reopen.

IT IS ORDERED that plaintiff's motion to reopen, Filing No. 73, is denied.

DATED this 7th day of May, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge